

Attorney Docket No. 5077-000078

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

TRANSMISSION RATE CONTROL METHOD

the specification of which (check one)

☒ is attached hereto.

☐ was filed on _____ as Application
Serial No. _____ and was amended on
_____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application or to the patentability of the invention claimed therein in accordance with Title 37, Code of Federal Regulations, section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

| | | | Priority Claim | |
|--------------------|--------------|------------------------|----------------|----|
| <u>2000-372629</u> | <u>Japan</u> | <u>07/12/2000</u> | <u>X</u> | |
| (Number) | (Country) | (Day/Month/Year filed) | Yes | No |
| <u>2001-012779</u> | <u>Japan</u> | <u>22/01/2001</u> | <u>X</u> | |
| (Number) | (Country) | (Day/Month/Year filed) | Yes | No |
| _____ | _____ | _____ | Yes | No |
| (Number) | (Country) | (Day/Month/Year filed) | Yes | No |
| _____ | _____ | _____ | Yes | No |
| (Number) | (Country) | (Day/Month/Year filed) | Yes | No |

DECLARATION AND POWER OF ATTORNEY

I hereby claim the benefit under Title 35, United States Code, '119(e) of any United States Provisional application(s) listed below:

PRIOR PROVISIONAL APPLICATIONS

(application serial number)

(Month / Day / Year filed)

(application serial number)

(Month / Day / Year filed)

I hereby claim the benefit under Title 35, United States Code, section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Filing Date | Status - patented, pending, abandoned |
|------------------------|-------------|--|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint Gregory A. Stobbs, Reg. No. 28,764, and each principal, attorney of counsel, associate and employee of Harness, Dickey & Pierce, P.L.C., who is a registered Patent Attorney, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303 (248) 641-1600.

Full name of sole or first inventor: Tomoaki ITOH

Inventor's signature: *Itoh Tomoaki* ^{T.I} Tomoaki Itoh

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DECLARATION AND POWER OF ATTORNEY

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Fourth Inventor's signature: Hiroshi Inakawa

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Full name of fifth inventor, if any: Yoji NOTOYA

Fifth Inventor's signature: Yasir Noraya

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